

TCL/TCL:

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

FACUNDO VALDOVINOS-MAGDALENO

12 MS-79 - SER

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 14, 2012, in Ramsey County, in the State and District of Minnesota, defendant, an alien who had previously been removed subsequent to a conviction for an aggravated felony, namely, a conviction on or about June 25, 1999, in the United States District of Minnesota for aiding and abetting and intentionally distributing methamphetamine, knowingly and unlawfully was found in the United States in Ramsey County, Minnesota, without having obtained the consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security, to re-apply for admission in to the United States

in violation of Title , United States Code, Section(s) 1326(a)(1) and (b)(2).

I further state that I am a Deportation Officer, U.S. Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Sworn to before me, and subscribed in my presence,

5 March 2012 3:15 PM

Date

The Honorable Steven E. Rau
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer


Signature of Complainant
Angela Minner
ICE Deportation Officer

at St. Paul, MN

City and State


Signature of Judicial Officer

SCANNED

MAR 06 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Angela Minner

Angela Minner, being duly sworn, deposes and states as follows:

1. I have been employed as a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since October 2009. I have been continuously employed within the Department of Homeland Security, and the former Immigration and Naturalization Service (INS), for the past nine years. I was employed as an Immigration Inspector with the former INS from October 2002 until March 2003, when the position was converted to Customs and Border Protection Officer, a position I held until October 2009 when I assumed my current position.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about February 14, 2012, in the city of St. Paul, Ramsey County, in the State and District of Minnesota, Facundo VALDOVINOS-Magdaleno, a citizen and national of Mexico, unlawfully re-entered

and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that VALDOVINOS-Magdaleno's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On February 14, 2012, Defendant was encountered via a vehicle stop near his residence at 859 Agate Street in St. Paul, MN, Ramsey County, by the ICE Enforcement and Removal Operations (ERO) St. Paul Field Office Fugitive Operations team. Deportation Officer Jordon Oyloe determined that Defendant was an alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally. Defendant was arrested by ICE officers and transported to the ICE office in Bloomington, MN for processing.
6. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A076 890 153, Federal Bureau of Investigations number 647767KB0 and DHS Fingerprint Identification number (FIN) 1121378361, revealing Defendant's previous

immigration and criminal history.

7. On or about June 25, 1999, Defendant was convicted in the U.S. District Court in Minneapolis, MN of Aiding and Abetting and Intentionally Distributing Methamphetamine, in violation of Title 21 USC 841(a)(1) and 841(b)(1)(B). On September 30, 2009, Defendant was sentenced to 18 months incarceration and 3 years supervised release.
8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A076 890 153. Defendant's A-file file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on one (1) occasion prior to being found in the District of Minnesota in 2012. On April 3, 2000, Defendant was ordered removed from the United States to Mexico by a District Director of the Immigration and Naturalization Service at Dallas, Texas. On July 21 2000, Defendant was removed from the United States to Mexico at El Paso, Texas, subsequent to his conviction for an Aggravated Felony.
9. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Facundo VALDOVINOS-Magdaleno referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on February 14, 2012 by Immigration and Customs Enforcement Officers.
10. Defendant is subject to removal as an alien who re-entered the U.S. without

permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC1231(a)(5). Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

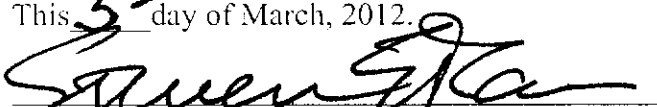
11. My investigation has revealed that Defendant is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.
12. My investigation has revealed that since his removal from the United States on July 21, 2000, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
13. Based on these facts, I have reason to believe that Facundo VALDOVINOS-Magdaleno is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and Title 6, United States Code, Sections 202 and 557, Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, following the conviction of an aggravated felony.
14. Further Your Affiant Sayeth Not.



Angela Minner, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 5th day of March, 2012.


United States Magistrate Judge